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EXAMINER

MANSEN, MICHAEL R

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/926,175

Applicant(s)

RUCKMANN ET AL.

Examiner

Michael R Mansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 35,37,46-48,51-55 and 71 is/are pending in the application.
- 4a) Of the above claim(s) 54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35,37,46-48,51,52,55 and 71 is/are rejected.
- 7) ☒ Claim(s) 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claim 54 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 10.

Applicant's election with traverse of Species I, Figures 1-7, claims 35, 37, 46-48, 51-53, 55, and 71 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that claims 35, 37-39, 53, 55, and 71 are generic because they read on all of the claimed inventions. Applicants' arguments are persuasive. As argued by applicants, the above stated claims are generic to all of the claimed species. Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on July 15, 2003 have been approved.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 35, 37, 51, 52, 55, and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (U.S. Patent 4,619,449).

Fischer discloses a device for drawing at least one paper web (8) comprising a paper web draw-in (2) for drawing in a paper web (8) along a web transport path, a plurality of spikes (6) permanently attached to the paper web draw-in, said spikes (6) being adapted to penetrate through a paper web (8) and means for causing said spikes to penetrate the paper web (8) only during draw-in of the paper web (8) into a web-fed rotary printing press that includes a longitudinal folding hopper (1). With respect to the means for causing, the fact that the spikes (6) rotate around the roller (2) away from the paper web causes the spikes to only penetrate the paper web (8) during draw-in and not to penetrate the paper web (8) while the spikes are away from the web (8) or in there storage path. With respect to claim 51, the draw-in (2) has a circumference that is a finite length.

Claims 35, 37, 46-48, 51, 52, 55, and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Assony (U.S. Patent 3,367,549).

Assony discloses a device for drawing at least one paper web (10) comprising a paper web draw-in (11, 12, 15) for drawing in a paper web (10) along a web transport path, a plurality of spikes (21) permanently attached to said paper web draw-in (11, 12, 15) and means (25) for causing said spikes (21) to penetrate the paper web (10) only during draw-in of the paper web (10) into a web-fed rotary printing press. With respect to claim 52, Assony discloses that the paper web (10) is retained on the spikes (21), therefor each of the spikes (21) includes a paper web retention device. Assony further

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discloses that the draw-in (11, 12, 15) is in the form of belt that could be metallic or a material that is not metallic (Column 2, lines 56-58).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Assony (U.S. Patent 3,367,549).

Assony, as advanced above, do not disclose a the draw-in device being made of a cable. Draw-in devices being made of cables are well known for there durability and simplicity. It would have been obvious to one of ordinary skill in the art to provide Assony with cables for the draw-in device, because of there durability and simplicity as is well known in the art.

***Allowable Subject Matter***

Claims 53 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or suggest a device for drawing at least one paper web including all of the claim limitations in claims 35 and 52 wherein

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each of the plurality of spikes includes a barb as a paper web retention device as set forth in claim 53.

### ***Response to Arguments***

Applicant's arguments filed July 15, 2003 have been fully considered but they are not persuasive.

With respect to applicants' arguments on page 13, first paragraph, applicants argue that the pending claims are neither anticipated by nor rendered obvious over Fischer, because the inlet roller of Fischer is not a draw-in. Applicants further argue that the purpose of the inlet roller is not to draw a web or a plurality of webs through a web-fed rotary printing press prior to the initiation of normal printing operation. Contrary to applicants' arguments the folding apparatus of Fischer including the paper web draw-in meets all of the limitations of the claims. Specifically, the means for causing said spikes (6) to penetrate a paper web (8) only during drawing in of a paper web into a web-fed rotary printing press along a web transport and for removing said spikes from penetration of a paper web upon completion of said drawing in of a paper web along a web transport path, Fischer discloses a means (9) for causing the spikes (6) to penetrate the paper web (8) and a forming plate (1) for removing the spikes from penetration of a paper web (8) upon completion of drawing in of a paper web from before the roller (2) to the start of the forming plate (1), wherein the spikes (6) are moved away from the paper web (8) while not contacting or drawing in the paper web (8) as shown in Figure 2. Note, this interpretation of the claims is commensurate with the elected invention of Figures 1-7, wherein the spikes (35) engage the web (8) from

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feed wheels (37, 38) to guide rollers (43, 44) and the spikes are removed from penetrating the web (8) from guide rollers (43, 44) to rollers (47, 48) and (49, 50) and back to feed wheels (37, 38) as shown in Figures 1 and 2.

Further, on page 13, first paragraph, applicants argue that a draw-in is a device or a structure which grasps, grips or otherwise engages a leading portion of a web advances the leading end through the press and then is disengaged from the web once the web has been fed through the press is not commensurate with the scope of the elected claims. Applicants' arguments are commensurate with the scope of the species shown in Figures 8-33, wherein applicants disclose a means for moving the spikes from engaging the paper web, while the paper web draw-in either continues to move or stops. With respect to the species shown in Figures 1-7, the spikes (35) are located along the whole length of the traction means (33, 34), therefore the interpretation of claim 35 to read on the elected embodiment of Figures 1-7 would be commensurate with the web draw-in disclosed by Fischer. Note, the invention shown in Figures 1-7 does not disclose a means for disengaging all of the spikes (35) from the web train (8) after the web has been fed through the press as argued by applicants.

With respect to applicants' arguments on page 14, last paragraph, applicants argue that Assony does not anticipate the claims because Assony does not disclose a plurality of spikes that are caused to penetrate the web only during drawing in of the web into the web-fed printing press and does not show or suggest means for removing the spikes from the web upon completion of the drawing in. Applicants' arguments are not commensurate with the scope of the claims. Assony clearly discloses the structure

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set forth in the claims including a plurality of spikes (21) for penetrating the web (10) in holes (20) in order to draw-in the web (10) onto the table (T). Assony also discloses a means (25) for removing the spikes from the web (10) upon completion of the drawing in.

With respect to applicants' arguments on page 16, third paragraph, applicants note that the Office Action Summary of the examiner's action of April 21, 2003 sets forth claim 54 as being rejected while the actual Office Action does not have a rejection of claim 54. The examiner apologizes for the confusion. Claim 54 is directed to a non-elected embodiment and therefore was withdrawn from consideration.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Mansen whose telephone number is (703)



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308-2655. The examiner can normally be reached on Monday through Friday 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 703 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Michael R Mansen  
Primary Examiner  
Art Unit 3654

mrm  
August 11, 2003